

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA

v.

ANTHONY GRIFFIN
a/k/a DUCK

No. 3:10-00055
CHIEF JUDGE HAYNES

GOVERNMENT'S MOTION TO SEVER DEFENDANTS

COMES NOW the United States of America, by and through the undersigned Assistant United States Attorney, and respectfully moves the Court, in consultation with counsel for Defendant Anthony Griffin, to sever the trial of Defendant Griffin from the trial of Defendant Albert Franklin. The government further moves the Court for leave to proceed to trial on Defendant Albert Franklin on the scheduled trial date.

In support of the motion, the government submits that Defendant Griffin made a post-arrest statement to the police that the government intends to introduce against him. Griffin's statement would be inadmissible against Defendant Franklin under the seminal case of *Bruton v. United States*, 391 U.S. 123 (1968). Therefore, the government respectfully requests a severance of Defendant Griffin from Defendant Franklin and leave to proceed to trial against Franklin on September 11, 2012, with Griffin's trial to follow at a later time as determined by the Court.

Counsel for the government has conferred with counsel for Defendant Griffin regarding this matter on prior occasions. Counsel for Defendant Griffin has advised that he has no objection to the

OKDSM
This motion
is GRANTED
Sully
8-17-12